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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

INDEX NEWSPAPERS, LLC, *et al.*,

Plaintiffs.

v.

CITY OF PORTLAND, *et al.*,

Defendants.

Case No. 3:20-cv-1035-SI

**FEDERAL DEFENDANTS’  
UNOPPOSED MOTION FOR AN  
EXTENSION OF TIME, *NUNC  
PRO TUNC*, IN WHICH TO FILE A  
REPLY BRIEF IN SUPPORT OF  
FEDERAL DEFENDANTS’ MOTION  
TO DISMISS AND STAY  
DISCOVERY**

Defendants U.S. Marshals Service and U.S. Department of Homeland Security (“Federal Defendants”) respectfully move for an extension of time, *nunc pro tunc*, in which to file their reply brief in support of their Motion To Dismiss Under Rules 12(b)(1) and 12(b)(6) and To Stay Discovery, ECF No. 181. Federal Defendants certify that their counsel has conferred in good faith with counsel for Plaintiffs, and Plaintiffs consent to this relief. In support of this motion, Federal Defendants submit the following:

1. On September 21, 2020, Federal Defendants filed their Motion To Dismiss Under Rules 12(b)(1) and 12(b)(6) and To Stay Discovery, ECF No. 181.
2. The parties stipulated on October 2 to extend Plaintiffs’ response deadline by fourteen days to October 19, which would move Federal Defendants’ reply deadline to November 2. ECF No. 189. This Court granted that joint stipulation. ECF No. 190.
3. On September 23, undersigned counsel began a temporary non-litigation detail to another division in the Department of Justice, and did not return to his full-time duties at the Civil Division until Monday, November 2. As a result of that personnel shift within the litigation team, and as a result of pressing litigation both related and unrelated to this case among members of the case team, undersigned counsel inadvertently failed to file a reply brief in support of Federal Defendant’s motion by November 2. Undersigned counsel regrets the error, which was inadvertent and not for any purpose of delay or advantage.
4. Accordingly, undersigned counsel respectfully requests a *nunc pro tunc* extension of time, until November 6, to file a reply in support of the motion.

For these reasons, Federal Defendants respectfully request that this Court grant their motion and permit the *nunc pro tunc* filing of a reply brief no later than November 6, 2020.

Dated: November 4, 2020

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